

PATENT
ATTORNEY DOCKET NO. 06132/075002

Certificate of Mailing: Date of Deposit: July 22, 2008

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Katherine Johnson
Printed name of person mailing correspondence

Katherine Johnson
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Arroyo et al.	Confirmation No.:	5599
Serial No.:	10/715,868	Art Unit:	1648
Filed:	November 17, 2003	Examiner:	Mary Mosher
Customer No.:	21559		
Title:	West Nile Virus Vaccine		

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REPLY TO NOTICE OF ALLOWANCE

In reply to the Notice of Allowance that was mailed in connection with the above-captioned application on April 24, 2008 and having confirmation number 5599, Applicants submit the following.

Enclosed are a completed fee transmittal form PTOL-85 and a check covering \$740 to cover the fees now due, in view of Applicants' prior submission of an issue fee payment and related fees on January 17, 2007. The total fee required now is \$1770, which includes an issue fee payment for a large entity as required by 37 C.F.R. § 1.18(a) of \$1440, a publication fee of \$300, and a patent copy fee required by 37 C.F.R. § 1.19(a)(1)(i) of \$30.00 for ten patent copies.

With the January 17, 2007 submission, Applicants paid \$1030. The difference between \$1770 and \$1030 is \$740, the amount now paid. Applicants note that a pre-grant publication issued in this case on November 29, 2007. As discussed in their submission dated February 19, 2008, Applicants did not request this pre-grant publication and question whether this publication may have taken place due to the prior payment of a publication fee, with the prior submitted issue fee. If this is the case, then Applicants respectfully submit that they should not be required to pay the publication fee again. However, reference is made to the deposit account of Applicants' representative, if this has been misunderstood.

If there are any other charges required for proceeding with issuance of a patent in this case or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: July 22, 2008

Susan M. Michaud
Susan M. Michaud, Ph.D.
Reg. No. 42,885

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045



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Applicant: Arroyo et al.
Serial No.: 10/715,868
Filed: November 17, 2003
Customer No.: 21559
Title: West Nile Virus Vaccine

Confirmation No.: 5599
Art Unit: 1648
Examiner: Mary Mosher

OFFICE OF PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF LARGE ENTITY STATUS

Applicants request that Patent Office records indicate that small entity status is not applicable for future fee payments in the above-captioned case. Applicants enclose a check covering \$405 to supplement payment of the Request for Continued Examination fee paid on March 26, 2008. The fee paid previously was \$405 and Applicants' representative has since learned that large entity fees should have been paid at that time. This error was made without deceptive intent and the current payment ensures that all fees due in this case have been paid at the correct level.

Although no additional fees are believed to be due, if there are any additional charges or credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: July 22, 2008

Susan M. Michaud
Susan M. Michaud, Ph.D.
Reg. No. 42,885

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Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

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Date: 07/22/2008

Matter Name:

Atty/Secy: SMM/kni

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West Nile Virus Vaccine

November 17, 2003

Serial/Patent Number: 10/715,868

Applicant/Patentee: Arroyo et al.

The U.S. PTO date stamp sets forth the date of receipt of:

Attorney Docket Number: 06132/075002

PROSECUTION

PROSECUTION

Attorney Docket Number: 06132/075002

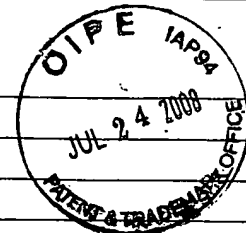
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Applicant/Patentee: Arroyo et al.

Serial/Patent Number: 10/715,868

Filed/Issued: November 17, 2003

Title: West Nile Virus Vaccine



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<input checked="" type="checkbox"/> Other <u>Statement of Large Entity Status</u>			Pages: <u>2</u>
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Client/Matter No.	Description (include all parts of filings)	Legal Staff	Standard Fee Code	Final (Yes/No)	Express, 1st Class, Fax, DHL, E-file	Checker	Status	OS Mail Receipt	Delivery Confirmation
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CPI Finals Report Reviewed: WJW (checker initials)